

Application Serial No. 10/813,853
Attorney Docket No. 10191/3515
Reply to Office Action of October 29, 2008

AMENDMENTS TO THE DRAWINGS:

The attached two Replacement Sheets containing Figs. 1 and 7 replace the previous sheets containing Figs. 1 and 7. In Figs. 1 and 7, hand-written characters have been replaced with typed characters. No new matter has been added.

Attachments: 2 Replacement Sheets

REMARKS

I. Introduction

Claims 3-5, 7, 8, 10, 11 and 14-16 are now pending in the present application. Claims 3, 7, 10 and 14 have been amended. Applicants hereby respectfully request further examination and reconsideration of the application.

It is noted that all of the presently pending claims have previously been allowed by the Examiner.

II. Objection to the Drawings

In response to the Examiner's objection to the drawings, Applicants have typewritten the text of Figs. 1 and 7, thereby obviating the Examiner's objection.

III. Rejection of Claims under 35 U.S.C. § 112, Second Paragraph

Claims 3-5, 7, 8, 10, 11 and 14-16 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

First, the Examiner expressed concern that previous version of claim 3 was unclear as to which limitation the "at least one of" language referred. In response, claim 3 has been amended to clearly indicate that **two sets of limitations** are referenced by "**at least one of,**" i.e., "(1) an interval between . . .," and "(2) a duration of the" Amended claim 3 recites, in relevant parts, "**ascertaining at least one of (1) an interval between a first supply phase of a new supply-rate interval and a last supply phase of a preceding supply-rate interval, wherein a supply-rate interval is defined as an interval having a specific supply rate, and (2) a duration of the first supply phase of the new supply-rate interval.**" Applicants respectfully submit that the amendment obviates the Examiner's concern.

Second, the Examiner also expressed concern that Applicants' usage of "supply-rate" (as part of "supply-rate interval") and "supply rate" creates a vague construct with potential

antecedent issues. However, Applicants respectfully submit that the usage at issue is grammatically correct. Within the phrase “supply-rate interval,” both “supply” and “rate” together modify the term “interval,” so hyphenation of “supply-rate” as part of the phrase “supply-rate interval” is grammatically proper. In addition, the phrase “supply-rate interval” refers to a quantity which is clearly different from the quantity referenced by the phrase “supply rate.” Accordingly, it is respectfully submitted that Applicants’ usage of “supply-rate interval” and “supply rate” does not create “a vague construct,” and there are no potential antecedent issues.

Third, the Examiner expressed concern that the definition of “supply-rate interval” was unclear and appeared to be circular. Claim 3, as amended, makes clear that, “**a supply-rate interval is defined as an interval having a specific supply rate.**” In response, claim 3 has been amended to remove the phrase “supply interval,” thereby amending the definition of “supply-rate interval” as “an interval having a specific supply rate.” Applicants respectfully submit that the amendment to claim 3 obviates the Examiner’s concern.

For the foregoing reasons, Applicants respectfully submit that claim 3 is in compliance with 35 U.S.C. § 112, second paragraph. Amended independent claims 7, 10 and 14 recite substantially similar features as the above-discussed features of amended claim 3. Accordingly, independent claims 3, 7, 10 and 14, as well as dependent claims 4-5, 8, 11 and 15-16, are in allowable condition.

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Conclusion

In view of the foregoing, it is respectfully submitted that pending claims 3-5, 7, 8, 10, 11 and 14-16 are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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